

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

**Alease Kelly, as Guardian Ad Litem for
the Minor Child, K. R.**) C/A No. 3:05-702-CMC-JRM
)
) Plaintiff,)
)
) v.)
)
Commissioner of Social Security,) **OPINION AND ORDER**
)
) Defendant.)
)

Plaintiff filed a complaint seeking judicial review of the final decision of the Commissioner denying her claim for Supplemental Security Income pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) of the Social Security Act, as amended. The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge Joseph R. McCrory, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) D.S.C.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The United States Magistrate Judge has filed his Report and Recommendation, in which he

concludes that the Commissioner's decision should be affirmed because Plaintiff fails to show that the decision was not based on substantial evidence. No objections have been filed and the time for doing so has expired.

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. For the reasons set out therein, the final decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED

s/Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 27, 2006